

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Rafael Hernandez-Rivera,

Case No. 23-cv-0856 (WMW/DTS)

Petitioner,

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

v.

B. Eischen,

Respondent.

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This matter is before the Court on the May 3, 2023 Report and Recommendation (R&R) of United States Magistrate Judge David T. Schultz. (Dkt. 4.) Because no objections have been filed, this Court reviews the R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the R&R, the Court finds no clear error.

Based on the R&R and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The May 3, 2023 Report and Recommendation, (Dkt. 4), is **ADOPTED**.
2. This matter is **DISMISSED without prejudice**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 27, 2023

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge